

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE COGENT, INC.  
SHAREHOLDERS LITIGATION

§  
§ No. 648, 2010  
§  
§ Court Below—Court of Chancery  
§ of the State of Delaware  
§  
§ Consol. C.A. No. 5780  
§

Submitted: October 15, 2010

Decided: October 19, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

**ORDER**

This 19<sup>th</sup> day of October 2010, it appears to the Court that:

(1) The plaintiffs/appellants have petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from the Court of Chancery's October 5, 2010 opinion denying their motion for a preliminary injunction. By order dated October 15, 2010, the Court of Chancery denied the plaintiffs/appellants' application for certification.

(2) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances. We have examined the Court of Chancery's October 5, 2010 opinion according to the criteria set forth in Supreme Court Rule 42 and have concluded that exceptional circumstances as would merit review of that decision do not exist in this case.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice